

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSEPH H. TOWER,

Plaintiff,

v.

1:14-CV-1183
(GTS/CFH)

ANDREW CUOMO, Governor;
ERIC T. SCHNEIDERMAN, Atty. Gen.; and
THOMAS CHASE, Correction Officer,

Defendants.

APPEARANCES:

JOSEPH H. TOWER

Plaintiff, *Pro Se*

163 Brayton Hill Terrace

North Adams, Massachusetts 01247

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Joseph H. Tower (“Plaintiff”) against the three above-captioned individuals (“Defendants”) arising from the results of criminal and prison disciplinary proceedings against Plaintiff that occurred in or before 1990, are (1) United States Magistrate Judge Christian F. Hummel’s Report-Recommendation recommending that Plaintiff’s Complaint be dismissed as barred by *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994), and the governing statute of limitations, and (2) Plaintiff’s Objection to the Report-Recommendation. (Dkt. Nos. 4, 5.)

Even when construed with the utmost of liberality, Plaintiff’s Objection fails to contain a specific challenge to Magistrate Judge Hummel’s Report-Recommendation. (*Compare* Dkt. No.

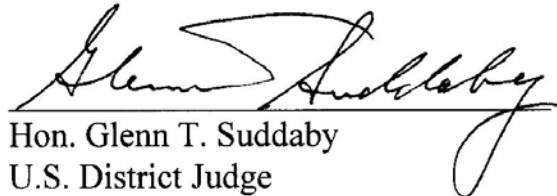
5 [Objection] *with* Dkt. No. 4 [Report-Recommendation].) As a result, Plaintiff's is entitled to only a clear-error review of the Report-Recommendation, which level of review the Report-Recommendation easily survives: Magistrate Judge Hummel employed the correct legal standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein. (Dkt. No. 4.) The Court would add only that, even if the Report-Recommendation were subjected to a *de novo* review, the Report-Recommendation would survive that review.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 4) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**. The Clerk is directed to enter judgment for Defendants and close this case.

Dated: January 9, 2015
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge